

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

September 16, 2009

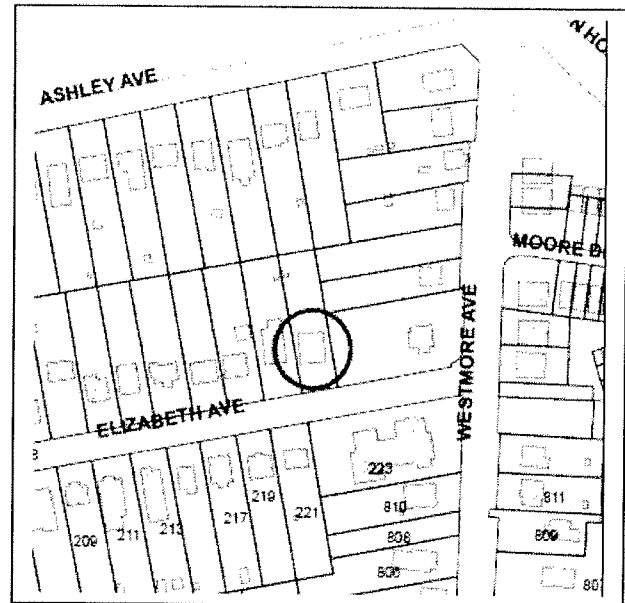
**SUBJECT:** Map Amendment Application  
MAP2010-00107

**Applicant:** Mayor and Council of Rockville

**Owner:** Iglesia de Dios  
(Pastor Rodriguez)

**Date Filed:** 8/17/2009

**Location:** 224 Elizabeth Avenue



**REQUEST:** To change the zoning of 9,500 square feet of land known as 224 Elizabeth Avenue from R-60 to R-60 HD (Historic District).

Planning Commission Review Date: September 23, 2009

Mayor and Council Public Hearing: October 12, 2009

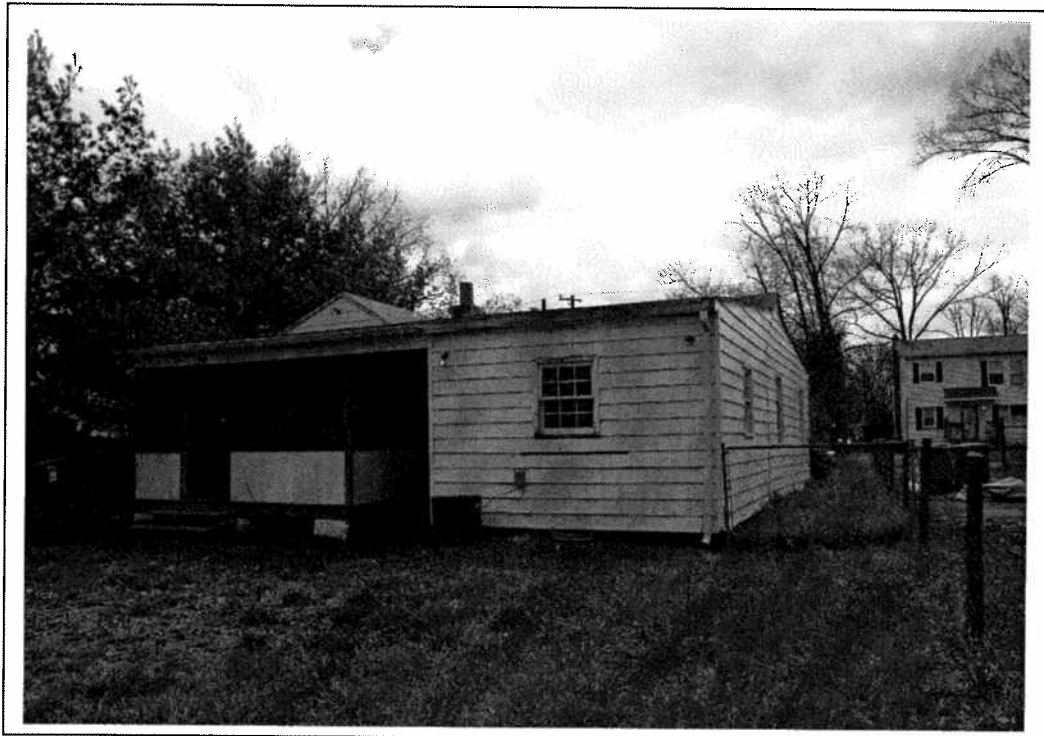
**RELEVANT ISSUES:** This Map Amendment was initiated by the owner's application for a demolition permit for this structure on March 11, 2009. The applicant is a church, which intends to renovate and will need additional parking. Per Section 25.04.04.b.1. (b) of the Zoning Ordinance, demolition permits for all structures in the City are sent for Historic District Commission (HDC) review immediately upon filing.

Community comments at the April 16, 2009 meeting led the HDC to ask for further research on the historic significance of the property. At the May 21, 2009 meeting, the HDC voted to recommend historic district zoning on the basis of City of Rockville Criterion I-C, because it exemplifies the cultural history of Lincoln Park. The HDC noted that the changes to the property over time are significant, and the mid-20th century alterations to the building are part of its significance.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission find that historic district re-zoning is in conformance with the *Approved and Adopted Lincoln Park Neighborhood Plan (2007)* and will not present an adverse impact to the planning area or neighborhood.



Front (South) Elevation



Rear (North) Elevation

## ANALYSIS

### Background

Chapter 8 of the *Comprehensive Master Plan* (2002) discusses the historic preservation program, issues and goals for the City. Lincoln Park is mentioned as a whole, as an area that may be eligible for future designation as a historic district (p. 8-12). The *Approved and Adopted Lincoln Park Neighborhood Plan* (NP) was adopted in February 2007, and the *Lincoln Park Conservation District Plan* (CDP) was adopted with the new Zoning Ordinance in December 2008. A central theme of both of these documents is the recognition of Lincoln Park as a coherent residential community. The *Neighborhood Plan* states a goal of “maintaining Lincoln Park as a stable and secure residential neighborhood” (NP, p 11); while the *Conservation District Plan* states its purpose as the “preservation of the existing character of the community” (CDP, p 1).

The HDC makes their evaluation strictly on the Criteria for Evaluation (shown below), which have been adopted by the Mayor and Council. These are based on the National Register Criteria and are the foundation for historic evaluations in Rockville. After an evaluation of the Criteria, the HDC adds an evaluation of the structural integrity of the property, testing if the property still convey its sense of time and place.

#### **I. Historical and cultural significance criteria for evaluation:**

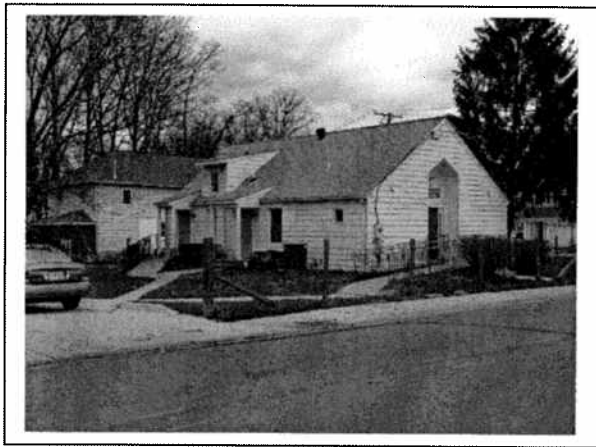
- A. Is the site of a significant historic event.
- B. Is identified with a person or a group of persons who influenced society.
- C. Exemplifies the cultural, economic, social, political or historic heritage of the County and its communities. (Refer to Rockville Context in Management Plan)
- D. Has character, interest, or value as part of the development, heritage or cultural characteristics of the City, County, State, or Nation.

#### **II. Architectural and design significance criteria for evaluation:**

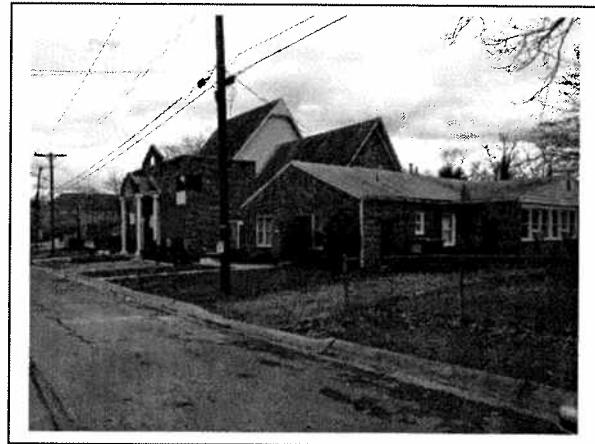
- A. Embodies the distinctive characteristics of a type, period or method of construction.
- B. Represents the work of a master.
- C. Possesses high artistic values.
- D. Represents a significant and distinguishable entity whose components may lack individual distinction. *This criterion applies to multi-site historic districts only.*
- E. Represents an established or familiar visual feature of the neighborhood, community or county due to its singular physical characteristic or landscape.

### Planning Area and Property Description

The house at 224 Elizabeth Avenue is located in Planning Area Six, lying northeast of Rockville's Town Center, and bounded by North Horners Lane (between Lincoln Avenue and Westmore road) on the east, the East Rockville Planning Area on the south, the Metro/CSX tracks on the west, and the Westmore industrial area and City limits on the north. The house sits on a lot measuring 50 feet x 190 feet. It is the last house at the northeast edge of Elizabeth Avenue that fronts Elizabeth Avenue. Adjacent and to the east of the subject property, is the Iglesia de Dios (Church of God) at 600 Westmore Avenue. Directly across the street from this church, on the southeast corner of Elizabeth and Westmore, is the Clinton AME Zion Church. This church was originally located in the Rockville Town Center area of N. Washington Street and Beall Avenue, and moved to Lincoln Park in 1956. Except for the two churches at Westmore, all the properties along Elizabeth Avenue are single-family residences. The street is notable for its narrow width and mature trees, with low-scale homes on either side of the street.



Iglesia de Dios



Clinton AME Zion Church



Elizabeth Avenue looking West

Overall goals for the *Neighborhood Plan* are first presented on page 11, and further developed throughout the *Plan*. Recommendations for historic significance includes Chapter 2: Land Use, Objective 9: Preserve the character of the community as a historical resource.” (NP, p. 12). The emphasis of the *Plan* is on the residential character of Lincoln Park, and the goal of providing a diverse range of housing opportunities, as well as to prevent “nonresidential encroachment” (NP, p. 12). To accomplish this goal, the development standards for Lincoln Park include the prohibition of the assemblage of lots, and the resubdivision of existing original lots. (CDP, p. 6).

The *Neighborhood Plan* also discusses the presence of churches within the community, including the Iglesia de Dios. It notes that the church has not been disruptive to the residential community, but that “expansion, change of use or operation of the facility must be carefully considered so as not to impact the residential quality of life in Lincoln Park” (NP, p.23). This is emphasized on the following page with a statement that “...the impacts of any expansions ... must be closely evaluated by the neighborhood and the City of Rockville with respect to quality of life concerns” (NP, p.24).

Within this context, the proposed historic designation of this property will comply with the *Neighborhood Plan*, by maintaining the residential character of this part of Elizabeth Avenue. In addition, historic designation would likely provide for the retention of this moderately-priced home, thereby assuring another aspect of the *Neighborhood Plan* to provide a range of housing opportunities for residents (NP, p.11).

“Chapter 3: Historic Preservation” of the *Neighborhood Plan* sets objectives that will help develop an understanding of the history of the Lincoln Park community, including the need to identify historic resources. City staff undertook research and survey work as part of the *Neighborhood Plan*, but these efforts would have to be seen starting point only. Buildings were surveyed for their architectural style and integrity, to provide a database for the Conservation District. The *Neighborhood Plan* notes that in-depth historical and architectural research still needs to be done (NP, p.40). This in-depth research, to date, is occurring on a case-by-case basis, as demolition permits are filed in the area.

### **Process**

Demolition Permit received	March 11, 2009
HDC Review:	April 16 and May 21, 2009
Mayor & Council Authorization to File:	July 27, 2009
Planning Commission Recommendation:	September 23, 2009
Mayor & Council Public Hearing:	October 12, 2009
D&I, Intro & Adoption:	To be scheduled

The Planning Commission is asked to review the proposed zoning change for conformance with the adopted *Neighborhood Plan* and for its impacts to the planning area. Staff will forward the Planning Commission's recommendation to the Mayor and Council for inclusion in the public record. The Mayor and Council's Public Hearing is currently scheduled for October 12, 2009. Discussion and Instructions will be provided to staff by the Mayor and Council at a future date.

### **Impact**

The underlying zone and permitted uses of the property will not change, and it will remain a single family detached residence. The owners may be eligible for tax credits for maintenance and improvements to a historic property after designation. Any exterior changes in material or design must be approved by the Historic District Commission prior to issuance of a building permit or commencement of work.

### **Staff Comments**

This rezoning was opposed by the owner, but supported by members of the community. Historic district zoning is in compliance with the 2002 *Comprehensive Master Plan* and with the 2008 *Neighborhood Plan*. As the underlying zoning for single-family residential will not change, there will be no negative effect on the neighborhood or streetscape. Designation may provide tax credit assistance to the owners for maintenance and upkeep of the property. This includes the 10% Montgomery County property tax credit, and the 20% State of Maryland income tax credit for the rehabilitation of historic properties. Any significant changes in material or design to the exterior of the building, or the building of any new structures will be reviewed by the Historic District Commission for compatibility with the existing structure, and retention of the character of the structure and site.

### **CONCLUSION AND RECOMMENDATION**

The Planning Commission is asked to determine if this proposed zoning change is generally consistent with the City's master plans. Staff recommends that the Planning Commission find this proposal to be consistent with the approved *Comprehensive Master Plan* and the adopted *Neighborhood Plan*, and send a positive recommendation to the Mayor and Council.

### **Public Notification**

Notices of the Historic District Commission (HDC) evaluation and meeting were sent via first class mail to the property owners, the Lincoln Park Civic Association, adjacent property owners and other interested parties for both HDC meetings. The site history, photographs of the site and neighborhood, and the agenda for the evaluation meeting were also posted on the city's web page.

### **Attachments**

- A. Site Map
- B. Zoning Map
- C. HDC Summary of Significance of 224 Elizabeth Avenue
- D. HDC Minutes from April 16 and May 21, 2009

**224 Elizabeth Avenue (MAP2010-00107)**



September 23, 2009  
Planning Commission Recommendation



224 Elizabeth Avenue R60





## MEMORANDUM

July 2, 2009

TO: Mayor and Council

FROM: Historic District Commission

SUBJECT: **HDC2009-00456** 224 Elizabeth Avenue, Lincoln Park  
Historic District Commission Recommendation

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### **Recommendation by Historic District Commission**

The Historic District Commission (HDC) recommends that the property and house at 224 Elizabeth Avenue in Lincoln Park be designated as a local historic district through the City's Map Amendment process by re-zoning the property from R-60 to R-60 HD. Having been constructed first as a small grocery store and having been moved with community assistance to the current location and renovated to serve as a single-family residence in 1954, the HDC notes that it meets Criterion I-C: "Exemplifies the cultural, economic, social, political or historic heritage of the County and its communities."

### **Evaluation of Historic Significance by the Historic District Commission**

The Historic District Commission (HDC) considered the proposed Evaluation of Historic Significance at its April 16, 2009 and May 21, 2009 meetings. The proposed historic district evaluation concerns a single-family residence in the R-60 zone in Lincoln Park. Evaluation of Historic Significance was brought to the HDC in response to the filing of a demolition permit by the owner on March 4, 2009, in accordance with Section 25.14.d.1.(c) of the Zoning Ordinance. The owner of the property is the adjacent property owner, Iglesia De Dios, at 600 Westmore Avenue. The owner anticipates construction of a new church at 600 Westmore Avenue that will require additional off-street parking, and had purchased the subject property with this in mind. The HDC received comments at both meetings from the planning staff, owner, and the public.

The HDC reviews staff research and recommendations, and conducts its evaluation according to the adopted Criteria for Historic Designation (see Attachment A). This review is restricted to historic consideration. The HDC does not consider building condition, costs for rehabilitation, or future proposed uses in their deliberation. Such issues would be considered at future dates by the Historic District Commission, the Planning Commission and/or the Mayor and Council.

### **Background**

A significant amount of survey work, research and analysis was undertaken by the City of Rockville during the production of the *2007 Lincoln Park Neighborhood Plan*. At that time, three distinct Periods Of Significance were identified, and the subject property falls into the Third Period of Significance (1949 – 1970. This begins with the annexation of Lincoln Park into the City of Rockville from Montgomery County, and concludes with the end of de facto segregation. Commissioner McCool noted that the mid-20<sup>th</sup> century history of the property extended into the Period of Significance for Lincoln Park.

## **Discussion by the Historic District Commission**

*April 16, 2009:* Staff noted that the building is considered a Contributing Resource in the Lincoln Park Conservation District, but the Evaluation for Historic Significance stands apart from that. Staff noted the development history, as traced through deed research. In staff's estimation, this is a vernacular mid-20<sup>th</sup> century structure that has been altered and lacks integrity. Ms. Anita Summerour testified that the building had been moved to this site. She said she did not want to see a parking lot here instead of the private home. Pastor Rodriguez spoke of the Church's plans to expand, with added parking requirements. The HDC talked about the criteria, that the property may meet I-C (cultural/historical heritage) or I-D (has value as part of the development/heritage). The deed research showed some association with persons significant to the history of Lincoln Park and Rockville, and the HDC asked staff to do further research and postponed a decision.

*May 21, 2009:* The HDC heard a brief staff report that addressed issues raised at the April 16, 2009 meeting. Staff noted that the history of the building, and its evolution from a small grocery store on Frederick Avenue to a modern mid-20<sup>th</sup> century residence on Elizabeth Avenue, was significant to the history of Lincoln Park and the community that lived here. Staff noted that the building did not meet the test for integrity in terms of the grocery store, as it had been significantly altered when it was modified to residential use. Staff also noted that Rupert Curry, and his wife Irene Snowden Curry, lived here and made a significant contribution to Rockville's history when he was elected to the Rockville City Council, being the first African-American to so serve. Mr. and Mrs. Curry, however, had already moved from this house when he ran for, and served in, public office. Therefore, the house did not hold an association with the significant historic event associated with the contribution of Mr. Curry.

The HDC discussed, however, that the property could qualify under Criterion I-C, because of its overall association with the cultural, economic, social, and political history of Lincoln Park during the years of segregation. Public speakers represented that the property indicated a drive for high quality living standards at a time when there were so many restrictions put on the African-American population in Rockville. The Commission noted that public testimony indicated that community involvement was a significant factor in the successful re-location of the store building and its subsequent renovation for a single-family residence.

## **Historic District Commission motion**

Therefore, on a motion by Commissioner Powell, seconded by Commissioner McCool and with Chair van Balgooy voting in favor, and with Commissioner Tucker voting against, the Historic District Commission recommended historic district designation of the property at 224 Elizabeth Avenue on the basis of Criterion I-C. [Commissioner Moloney had recused himself and was out of the room.]

Attachments: HDC Evaluation of Significance using the criteria for historic designation  
Minutes – April 16, May 21, 2009 HDC meetings  
Staff reports – April 16, May 21, 2009 HDC meetings

cc: Pastor Rodriguez, Iglesia De Dios  
Planning Commission

Submitted: May 21, 2009

Approved: May 21, 2009

**CITY OF ROCKVILLE  
HISTORIC DISTRICT COMMISSION  
MINUTES**

Thursday, April 16, 2009  
Meeting No. 3-2009

Historic District Commissioners present: Max van Balgooy (Chair), Craig Moloney, Janet Hunt McCool, Anita Neal Powell, Jeremy Tucker

Staff present: Robin Ziek, Preservation Planner; Jim Wasilak, Chief of Planning

**V. Evaluation for Significance**

**A. HDC2009-00456 - 224 Elizabeth Avenue**

Applicant: Iglesia De Dios (Pastor Rodriguez)

Address: 900 Westmore Avenue

Request: Demolition

Staff Ziek made a brief presentation on the proposed demolition. Commissioner Moloney is the project architect and he left the room for this Evaluation. The applicant has submitted a Demolition Permit, and under the new Zoning Ordinance, all Demolition Permits will be brought to the HDC for review as an Evaluation of Historic Significance. Staff noted that the building is considered a Contributing Resource in the Lincoln Park Conservation District, and was associated with the cultural history of Lincoln Park. In an evaluation for historic designation, however, the property must be considered on its own merits. Staff reviewed a brief history, noting that the property was sold by the original developer, Mr. H. L. England, twenty years after the original subdivision. The ground has poor drainage, and this is likely the only house built here. Staff included a title search showing the chronology of owners. Staff noted that the house was a vernacular mid-20<sup>th</sup> century structure that had been altered and lacked integrity.

Ms. Anita Summerour, of 715 Douglass Avenue, spoke of the early history of the building. It was originally a smaller building facing Frederick Avenue and was moved to this site. She doesn't want to see a parking lot built here instead of a private home.

Pastor Rodriguez spoke about the Church's plans to expand their after-school program, to provide food and programs for local children. They plan to remodel the existing church and will need additional parking.

Commissioner Tucker thought that the building might meet Criteria C (exemplifies the cultural, economic, social, political or historic heritage) and D (has character, interest, or value as part of the development, heritage or cultural characteristics).

Commissioner Powell asked for more information, based on its association with significant local residents, including Robert L. Snowden (Snowden's Funeral Home) and Rupert G. Curry (the first African-American to serve on the Rockville City Council). She noted that Mr. Snowden's daughter, Irene, married Mr. Curry.

Commissioner McCool asked if there are other structures associated with Mr. Curry?

Commissioner Powell also noted that the Payton family still lives in Lincoln Park.

The HDC agreed to postpone a recommendation, pending further information.

**MOTION:** Commissioner Powell moved that the HDC delay their recommendation and requests further information. Commissioner McCool seconded.

**VOTE:** 4-0-0 Approved; Commissioner Moloney absent

Submitted: June 18, 2009

Approved: June 18, 2009

**CITY OF ROCKVILLE  
HISTORIC DISTRICT COMMISSION  
MINUTES**

Thursday, May 21, 2009  
Meeting No. 4-2009

Historic District Commissioners present: Max van Balgooy (Chair), Craig Moloney, Janet Hunt McCool, Anita Neal Powell, Jeremy Tucker

Staff present: Robin Ziek, Preservation Planner; Jim Wasilak, Chief of Planning

**V. EVALUATION FOR SIGNIFICANCE**

**A. HDC2009-00456 (Continued)**

Applicant: Iglesia De Dios (Pastor Rodriguez)

Address: 224 Elizabeth Avenue

Request: Evaluation in response to Demolition Permit

Commissioner Moloney recused himself as he is the project architect, and left the room. Staff Ziek made a brief presentation on new information since the April HDC meeting. She noted a significant history, as a grocery store in association with Mr. Ricks's theatre on Frederick Avenue, but stated the building did not retain integrity for this association. Regarding the association with Mr. Curry, the first African-American to serve on the Rockville Council, and his wife, Mrs. Irene Snowden Curry, they had already moved from the house when he was elected to the Council.

Mrs. Virginia Cooper, of 205 Ashley Avenue, noted a few mistakes in the staff report. Letha E. Payton was her mother. She faulted staff for failing to locate her or her sister, as they still live in Lincoln Park, and have now for 50 years. Her family lived in the theatre building, and moved out of it when Mr. Stern bought the property. He gave them the small grocery store building to use as a house if they could move it, and they accomplished that with the help of the community. The building was moved with her grandmother sitting in the house! Rev. Davis and Mr. Cooper helped Mrs. Payton throughout the process. She acquired the property with assistance from her brother, and renovated it for a residence. They added the front structure of the house. She is also concerned with loss of residential property and residential character of the neighborhood. She's concerned that this loss might continue as the church expands.

Chair van Balgooy noted that the HDC doesn't review land use, but the Planning Commission does.

Beryl Williams, 206 Elizabeth Avenue, noted that she attended the April 16<sup>th</sup> hearing. She would like to see the house remain as affordable housing in the community. There are other parking lots in the neighborhood, and she's not happy with the loss of a house. She also noted

that there were existing tutoring programs already in the neighborhood, and concerned with expansion at the 900 Westmore Avenue property (Iglesia De Dios). Where does it end?

Mrs. Anita Sumerour, 715 Douglass Avenue, spoke and thought that the property did retain two elements of integrity: feeling and association. She would like to see the house retained to continue to tell its story. Part of that story was the determination of people in Lincoln Park to have decent housing.

Chair van Balgooy asked about the zoning, and Chief of Planning, Jim Wasilak, noted that it is R-60 and churches are permitted in this zone.

Commissioner Tucker asked when the building became vacant. People in the audience surmised about five years. He also asked when the church bought it, and staff noted that the church isn't listed as the owner of record on the State Property report, which states the owner as the US Bank National Association Trust.

Commissioner McCool noted that she visited the property. She thought one could support the case for historic significance, and that the period of significance for Lincoln Park goes into the 1950s.

Commissioner Tucker asked if the concept of significance came into play in terms of whether or not this was any different from any other site in Lincoln Park?

Commissioner van Balgooy thought it could be found significant for Criterion I-C: exemplifies the cultural, economic, social ... history of the community.

Commissioner Powell asked if it could meet only one Criterion, and the Chair noted that it can be found Significant with only one Criterion.

While Commissioner Tucker wondered how the house reflected its significance, the Chair noted that it may not reflect an actual "event" but a pattern of life.

**MOTION:** Commissioner Powell moved to recommend 224 Elizabeth Avenue for designation on the basis of Criterion I-C. Commissioner McCool seconded.

**VOTE:** 3-1-1 Approved  
(Commissioner Tucker opposed; Commissioner Moloney recused).